

1 Jeffrey D. Olster
2 Nevada Bar No. 8864
2 Jeff.Olster@lewisbrisbois.com
3 LEWIS BRISBOIS BISGAARD & SMITH LLP
3 6385 S. Rainbow Boulevard, Suite 600
4 Las Vegas, Nevada 89118
4 Tel: (702) 893-3383
5 Fax: (702) 893-3789

6 *Attorneys for Defendant*
6 SECURITY NATIONAL INSURANCE COMPANY

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

10 WFTLV01, LLC, a Nevada limited liability
11 company,

12 Plaintiff,

13 vs.
14 SECURITY NATIONAL INSURANCE
15 COMPANY, a Delaware corporation

16 Defendant.

Case No. 2:20-cv-01845-JCM-BNW

STIPULATION TO EXTEND STAY

[First Request]

18 IT IS STIPULATED by and between plaintiff WFTLV01, LLC and defendant SECURITY
19 NATIONAL INSURANCE COMPANY, through their respective counsel, and pursuant to LR IA
20 6-1 and LR 7-1, that the stay ordered by the Court (ECF No. 44) should be extended pending the
21 final disposition by the United States Court of Appeals for the Ninth Circuit in *Circus Circus LV,*
22 *LP v. AIG Specialty Ins. Co.*, No. 21-15367. The parties respectfully submit that good cause exists
23 for this stipulation based on the following:

24 1. In its Order issued on March 25, 2022 (ECF No. 44), this Court stayed this case “to
25 receive material guidance from the Ninth Circuit” in the pending case of *Circus Circus LV, LP v.*
26 *AIG Specialty Ins. Co.*, No. 21-15367. (ECF No. 44 at 2:11 – 3:2). Specifically, this Court ordered
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1 a stay of this case until the Ninth Circuit files its decision in the *Circus Circus* case. (*Id.* at 3:4-6).¹

2 2. This Court also denied all pending motions without prejudice. (ECF No. 44 at 3:8-10). These motions are Defendant's motion to dismiss (ECF No. 21) and Defendant's motion for leave to file statement of supplemental authorities for the motion to dismiss (ECF No. 43). This Court also granted leave to refile after the Ninth Circuit has ruled. (ECF No. 44 at 3:8-10).

3 3. On April 15, 2022, the Ninth Circuit issued its unpublished ruling in the *Circus Circus* case, which affirmed this Court's dismissal of the insured's complaint. *See Circus Circus LV, LP v. AIG Specialty Ins. Co.*, 2022 U.S. App. LEXIS 10298 (9th Cir. April 15, 2022). However, the parties believe that the insured in the *Circus Circus* case will likely file a petition for en banc rehearing in the Ninth Circuit.

4 4. The parties accordingly submit that both the letter and spirit of the Court's Order (ECF No. 44) warrant a further stay of this case until the Ninth Circuit rules on the *Circus Circus* petition for en banc rehearing (or until the time for *Circus Circus* to file the petition expires on or about April 29, 2022).

5 5. Following the Ninth Circuit's final disposition of the *Circus Circus* petition, or the expiration of the time for *Circus Circus* to file the petition, Defendant intends to re-file a motion to dismiss the Complaint.

6 6. This stipulation is made in good faith and for good cause, and not for any purpose to delay.

7 7. The parties further agree that this stipulated extension of time does not operate as any admission or waiver of any claim or defense by Plaintiff or Defendant.

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27 ¹ Additionally, the parties have agreed to stay discovery pending the final resolution of
28 Defendant's motion to dismiss. (ECF No. 38).

1 DATED this 29th day of April, 2022.

2 KENNEDY & COUVILLIER, PLLC

4 /s/ Maximiliano D. Couvillier

5 Todd E. Kennedy
Nevada Bar No. 6014
6 Maximiliano D. Couvillier III
Nevada Bar No. 7661
7 3271 E. Warm Springs Road
Las Vegas, Nevada 89120
8 *Attorneys for Plaintiff*

DATED this 29th day of April, 2022.

LEWIS BRISBOIS BISGAARD & SMITH
LLP

4 /s/ Jeffrey D. Olster

5 Jeffrey D. Olster
Nevada Bar No. 8864
6 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
7 *Attorneys for Defendant*

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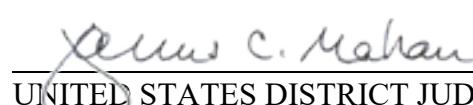
ORDER

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IT IS SO ORDERED.

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UNITED STATES DISTRICT JUDGE

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May 6, 2022
Dated: _____

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